

# Notice of Allowability

Application No.

10/510,895

Examiner

Charles I. Boyer

Applicant(s)

BOONE ET AL.

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the interview conducted on July 18, 2006.
2. ☒ The allowed claim(s) is/are 1-8, 10-15 and 17-19.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

CHARLES BOYER  
PRIMARY EXAMINER

*Charles Boyer*

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Andrew Parfomak on July 18, 2006.

The application has been amended as follows:

In line 3 of claim 1, delete "an acid constituent" and insert --a water soluble organic acid constituent--therefor

In line 7 of claim 1, after "thickener constituent" insert --consisting essentially of xanthan gum and optionally at least one other thickener--

In line 10 of claim 1, delete "xanthan gum"

In line 16 of claim 1, after "water" delete the period and insert --; wherein the composition has a pH of 5 or less--

In line 3 of claim 2, delete "boric acid"

In line 3 of claim 17, after "the" insert --at least one other--

In line 6 of claim 17, delete the second period

In line 2 of claim 18, delete "or" and insert --and--therefor

1. The following is an examiner's statement of reasons for allowance: Applicants have claimed a composition comprising an organic acid, an anionic surfactant,

Art Unit: 1751

suspended inclusions based on alginate materials, a thickener consisting essentially of xanthan gum and optionally an additional thickener selected from cellulose-based thickeners and gellan gum, and optional ingredients, wherein the composition has a pH of 5 or less.

The closest prior art of Schmucker-Castner et al, US 6,635,702, teaches personal cleansing compositions comprising an alkyl sulfate anionic surfactant, suspended pearlescent materials, citric acid, acrylate thickener, and the balance water (col. 15, example 1). Another example comprises alpha olefin sulphonate, citric acid, glycerin, acrylate thickener, suspended jojoba beads, and the balance water wherein the composition has a pH of about 4 (col. 18, example 4A). The reference does not specifically teach a combination of alginate beads and the thickeners presently claimed. An essential component of the reference is a cross-linked acrylate copolymer. The present claims now read "consisting essentially of" with respect to the thickener component and the present invention specifically teaches away from acrylate thickeners. The examiner agrees with applicants' argument that the presence of an acrylate thickener would affect the basic and novel characteristics of their invention. Accordingly, the reference is withdrawn and the present claims are allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 1751

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles I. Boyer whose telephone number is 571 272 1311. The examiner can normally be reached on M-Th 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on 571 272 1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Charles I Boyer  
Primary Examiner  
Art Unit 1751